



JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

Katherine J. Weall
Senior Counsel
phone: (212) 356-5055
fax: (212) 356-3509
kweall@law.nyc.gov

July 2, 2020

Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

VIA ECF

Re: Robkiem Brown et al. v. City of New York et al.
19 Civ. 3375 (LJL)

Your Honor:

I am the Senior Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to defend the above-referenced matter. I write jointly with my adversary pursuant to Your Honor's order of April 3, 2020 to provide a status update on the case and to propose a new case management plan.

The present status of discovery in the case is as follows:

- Defendants have served their initial disclosures;
- The parties have held their Rule 26(f) conference;
- Plaintiffs served their interrogatories (they have not yet served document requests) and defendants have responded to plaintiffs' interrogatories;
- Defendants have served document requests, interrogatories, and notices of deposition, but plaintiffs have not responded thereto. Defendants formally requested responses to their document requests and interrogatories on March 16, 2020. At that time, defendants took the position that plaintiffs had waived their objections.
- Plaintiffs have not yet provided signed and completed releases for any medical care and treatment;
- This Court granted a 90-day stay of discovery due to the state of emergency occasioned by the COVID-19 pandemic on April 3, 2020.

As the Court is undoubtedly aware, the country continues to grapple with the COVID-19 pandemic. The New York City Law Department continues to require that the vast majority of its employees, including the undersigned, work from home.

The agencies defendants must regularly communicate and coordinate with, *e.g.*, the NYPD, continue to face communication and access challenges as they pursue compliance with the Governor's executive order and seek to protect the health and safety of the individuals in their organizations. In addition, NYPD is now dealing with the Black Lives Matter protests, which at times over the past month have required the department to be completely mobilized, working twelve-hour shifts with no days off. Although NYPD schedules are back to normal for the moment, these challenges continue to make the fulfillment of document and information requests delayed or impracticable. Such delays and problems are expected to continue until individuals are allowed to return to their offices.

Before the stay of discovery was granted, depositions were due by May 7, 2020; fact discovery was due by May 21, 2020; and expert discovery was due by July 6, 2020, with motions due by August 5, 2020. Given the above-mentioned continuing constraints on obtaining documents, the parties respectfully request the entry of the following revised case management plan:

- Plaintiffs to respond to defendants' interrogatory and document requests, and provide all medical releases by July 15, 2020
- Depositions due by November 3, 2020;
- Fact discovery due by November 17, 2020;
- Expert discovery due by January 18, 2021;
- Motions due by March 18, 2021.

The parties are mindful that, given the continuing COVID-19 pandemic, depositions in this case will likely have to be done by videoconference.

Finally, when this case was before United States District Judge Gregory H. Woods, he had scheduled a status conference for July 22, 2020 at 4:00 PM. The parties would like to inquire as to whether Your Honor wishes to hold a status conference on that date, or to adjourn it.

The parties thank the Court for its consideration herein.

The proposed Case Management Plan is GRANTED.

The status conference previously scheduled for July 22, 2020 is ADJOURNED to February 18, 2021 at 3:00 p.m.

SO ORDERED.

July 6, 2020



LEWIS J. LIMAN
United States District Judge

Respectfully submitted,

/s/ *Katherine J. Weall*

Katherine J. Weall
Senior Counsel
Special Federal Litigation Division

cc: Elliot Fuld, Esq. (Via ECF)
Attorney for Plaintiffs
930 Grand Concourse, Suite 1G
Bronx, New York 10451